

****Personal and Employee Online Privacy and Protection Act of 2019****

In today's age, online interactions are more important than ever. With recent scandals and an eroding sense of privacy in the online sphere, employees and citizens of Dixie should not have to worry about both government and private intrusion into their personal online lives

Whereas, Job applicants and employees are increasingly using online accounts for their personal communication and social networking.

Whereas, Potential and actual employers should not request or require access to these personal accounts, except in cases where the employer is obligated to investigate activities that may involve personal accounts.

Whereas, private citizens should be entitled to a right to privacy in the online world

BE IT ENACTED BY THE STATE OF DIXIE

Section 1: Short Title

This may be referred to as the Online Privacy Act

Section 2: Definitions

“Adverse action” means to discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee’s employment, including compensation, terms, conditions, location, rights, immunities, promotions, or privileges

“Employer” means a person, including the state or a political subdivision of the state, that has one or more workers employed in the same business, or in or about the same establishment, with the right to control and direct the work provided by such workers

“Personal Internet account” means an online account that is used by an employee or applicant exclusively for personal communications unrelated to any business purpose of the employer

“Predictive policing technology” refers to software that can through the use of statistics and other algorithms predict where crime might occur next

Section 3 – Prohibited and Permitted Activities by Employers

An Employer may not request disclosure of information related to personal Internet account

An employer may not do any of the following:

1. request or require an employee or an applicant for employment to disclose a username and password, or a password that allows access to the employee's or applicant's personal Internet account
2. compel an employee or applicant for employment to add the employer or an employment agency to the employee's or applicant's list of contacts associated with a personal Internet account
3. compel an employee or an applicant for employment to access a personal Internet account in the presence of the employer in a manner that enables the employer to observe the contents of the employee's or applicant's personal Internet account
4. take adverse action, fail to hire, or otherwise penalize an employee or applicant for employment for failure to disclose information or take actions specified in subsection (1)-(3).

Permitted actions by an employer.

(1) This law does not prohibit an employer from doing any of the following:

(a) requesting or requiring an employee to disclose a username or password required only to gain access to the following:

(i) an electronic communications device supplied by or paid for in whole or in part by the employer; or

(ii) an account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for the employer's business purposes;

(b) disciplining or discharging an employee for transferring the employer's proprietary or confidential information or financial data to an employee's personal Internet account without the employer's authorization;

(c) conducting an investigation or requiring an employee to cooperate in an investigation in any of the following:

(i) if there is specific information about activity on the employee's personal Internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or

(ii) if the employer has specific information about an unauthorized transfer of the employer's proprietary information, confidential information, or financial data to an employee's personal Internet account;

(2) Conducting an investigation or requiring an employee to cooperate in an investigation as specified in Subsection (1)(c) includes requiring the employee to share the content that has been reported in order to make a factual determination.

(3) This law does not prohibit or restrict an employer from complying with a duty to screen employees or applicants before hiring or to monitor or retain employee communications that is established under federal law, by a self-regulatory organization under the Securities and Exchange Act of 1934, 15 U.S.C. Sec. 78c(a)(26), or in the course of a law enforcement employment application or law enforcement officer conduct investigation performed by a law enforcement agency.

(4) This law does not prohibit or restrict an employer from viewing, accessing, or using information about an employee or applicant that can be obtained without the information described in Subsection (1) or that is available in the public domain.

Section 4: Remedy

(1) The state Attorney General may bring may bring a civil cause of action against an employer in a court of competent jurisdiction on behalf of a citizen an aggrieved by a violation of this chapter.

(2) In an action brought under Subsection (1), if the court finds a violation of this chapter, the court shall award the state not more than \$500 per violation.

Section 5: Personal Privacy Protections, a Privacy Bill of Rights

Law enforcement cannot search or seize a private citizen's personal internet account or personal device without the written warrant from the criminal court of law

Telecom companies cannot share or sell data to state law enforcement without a written warrant from the criminal court of law

State law enforcement agencies cannot use online accounts to spy on citizens

State and local law enforcement cannot use and or operate predictive policing technology within the State of Dixie

All of the above guidelines shall be enforceable by the State Department of Justice. If a arrest or conviction is made in violation of the above, the state courts will determine the proper punishment

Section 7: Enactment

This law shall be enacted as a new statute chapter under Statute Title XLVIV entitled "Internet Privacy"

This act takes effect upon approval by the Governor.

Section 8: Severability Clause

If any provision of this bill or the application of any provision of this law is found invalid, the remainder shall be given effect without the invalid provision or application.

***Written and sponsored by cold_brew_coffee (R-DX-4)*